

David G. Tibbetts 2:22-cv-00373

3. As further required by CMO 5, Paragraph 15, the Notice of Non-Compliance specified that within fourteen (14) days of receiving the Notice, Plaintiff shall (1) tender an executed and completed PFS, (2) if he or she has in fact tendered an executed fact sheet, inform

the Defendant of the date on which it was served, or (3) meet and confer with Defendants regarding any claimed good cause for failure to do so within the time required. *See* Exhibit A.

4. The fourteen (14) day period specified in the Notice of Non-Compliance has expired. As of the date of this motion, Mr. Tibbetts has not tendered an executed and completed PFS or otherwise identified a good cause for failing to tender an executed and completed PFS.

5. Therefore, in accordance with the procedure outlined in CMO 5, Paragraphs 16a.-c., the Defense Leadership now respectfully moves this court to dismiss the claims of David G. Tibbetts without prejudice, subject to reinstatement only if Mr. Tibbetts serves an executed and completed PFSs within 14 days of dismissal as described in Paragraphs 22-26 of CMO 5 and Paragraph 3 of CMO 5E.

DATED: July 14, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, this 14th day of July 2022, I have electronically filed a copy of the above and foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

/s/ David E. Dukes